

§ 143.1

- 143.2 Purpose.
- 143.3 Procedures.
- 143.4 Charges.
- 143.5 Payment.

AUTHORITY: 31 U.S.C. 9701; 25 U.S.C. 2, 13, 413.

SOURCE: 55 FR 19621, May 10, 1990, unless otherwise noted.

§ 143.1 Definitions.

As used in this part:

(a) *Assistant Secretary* means the Assistant Secretary—Indian Affairs, Department of the Interior, or other employee to whom authority has been delegated.

(b) *Reservation* means any bounded geographical area established or created by treaty, statute, executive order, or interpreted by court decision and over which a federally recognized Indian Tribal entity may exercise certain jurisdiction.

(c) *Flat fee* is the amount prorated to each user based on the total costs incurred by the Government for the goods/services being provided.

(d) *Non-Federal users* are persons not employed by the Federal Government who receive goods/services provided by the BIA.

(e) *Goods/Services* for the purpose of these regulations are those provided or performed at the request of an identifiable recipient and are above and beyond those which accrue to the public at large.

§ 143.2 Purpose.

(a) The purpose of the regulations in this part is to establish procedures for the assessment, billing, and collection of charges for goods/services provided to non-Federal users.

(b) The Assistant Secretary may sell or contract to sell to non-Federal users within, or in the immediate vicinity of an Indian Reservation (or former Reservation), any of the following goods/services if it is determined that the goods/services are not available from another local source or providing that goods/services is in the best interest of the Indian tribes or individual Indians. The goods/services include, but are not limited to:

- (1) Electric power;
- (2) Water;
- (3) Sewage operations;

25 CFR Ch. I (4–1–05 Edition)

- (4) Landfill operations;
- (5) Steam;
- (6) Compressed air;
- (7) Telecommunications;
- (8) Natural, manufactured, or mixed gas;
- (9) Fuel oil;
- (10) Landscaping; and
- (11) Garbage collections.

§ 143.3 Procedures.

(a) All non-Federal users who receive the above listed goods/services must sign a standard agreement adopted by the Assistant Secretary for the goods/services. This agreement shall contain the following statement:

“Application for _____ (specify good(s)/service(s)) is hereby requested at the noted address. In exchange for receiving the requested good(s)/service(s), the applicant agrees to accept and abide by all applicable rules, regulations, and rate schedules, including any future amendments, additions, or changes thereto. If the applicant should fail to comply with any of the rules, regulations, or rate schedules, the cost incurred by the United States Government for enforcement of same shall be charged to the applicant.”

(b) Lack of a signed agreement does not invalidate payment requirements. Any user will be responsible for payment of actual goods/services received or delivered.

§ 143.4 Charges.

(a) Charges shall be established by the Assistant Secretary and shall be based upon the total costs (including both direct and indirect) of goods/services to the Government at that locale. A schedule of charges will be made available to the public upon request.

(b) All documentation used in establishing charges must be maintained at the appropriate Bureau of Indian Affairs agency or Area Office and shall be made available for review by the public upon request.

(c) Established charges may be reviewed, amended, and adjusted monthly, but not less than annually.

(d) A flat fee may be charged where it is impractical to measure actual usage by recipients.

(e) Security deposits are authorized under this regulation at the discretion of the Assistant Secretary. The deposit

Bureau of Indian Affairs, Interior

§ 143.5

may not exceed the amount of one billing cycle. All deposits will be applied to the final bill.

§ 143.5 Payment.

(a) The Assistant Secretary—Indian Affairs will establish a billing cycle that is appropriate to the goods/services being provided.

(b) Payment is due within 30 days after the billing date.

(c) Upon non-payment by the non-Federal user, the Assistant Secretary may discontinue service. Service may be discontinued after proper notification by letter. Proper notification shall include:

(1) Written notice to user that payment is due. Such notice shall afford the user the opportunity to challenge payment or excuse non-payment within

14 days of the date on the notification letter.

(2) Following the expiration of the 14 day deadline for response, and after consideration of any such response, the Assistant Secretary—Indian Affairs may notify the user by letter that if payment is not received within 10 days of the date on the letter, the service will be discontinued.

(d) The Assistant Secretary has the discretion to continue services for health and safety reasons. However, the non-Federal user is still responsible for payment for goods/services provided.

(e) Once service has been discontinued based on delinquency of payment, the discontinuance may be appealed under part 2 of this title.